THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27708 OF 2005

DATED:28.12.2005

Between:

G.Murali and others

…Petitioners

And

The District Collector, Ranga Reddy District,

Hyderabad, and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.27708 OF 2005

ORDER:

The petitioners, who are eight in number, claim to be successors in title of one Gowraiah, who was a protected tenant in respect of the land admeasuring Ac.13.21 gts. in S.Nos.47 (old S.No.43), 45/A, 45/AA (old S.No.44/1), and 87/AA (old S.No.68) situated at Old Bowenpally Village, Balanagar Mandal. Gowraiah died in 1982. Thereafter, the petitioners filed an application purportedly under Section 40 of the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short, the Tenancy Act) seeking succession certificate. The Mandal Revenue Officer by proceedings dt.7.1.2004 granted succession certificate. At that stage, the petitioners came to know that various third parties claiming to be pattadars of the land filed declarations before the authorities under Urban Land (Ceiling and Regulation) Act,

1976 (for short, the ULC Act) and by playing fraud claimed rights without even making the petitioners or their predecessors a party. Therefore, the petitioners filed the present Writ Petition seeking a direction to the respondents, namely, District Collector, Ranga Reddy District and Government of Andhra Pradesh in Revenue Department to conduct enquiry into the appropriation of land in S.No.87/AA etc., allegedly belong to the petitioners.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General).

Even according to the petitioners though Gowraiah died in 1982 they filed application under Section 40 of the Tenancy Act on 17.10.1997 (As seen from the proceedings of the Mandal Revenue Officer) for succession certificate. The ULC Act came into force in State of Andhra Pradesh with effect from 17.2.1975 and in all probability those persons who claimed the land got the land declared to be their holding and these proceedings have become final. The claim of the petitioners therefore cannot be adjudicated in Writ Petition especially when no adverse decision of the Government or public authority is challenged. The grievance of the petitioners that their representations dt.15.7.2005 and 29.11.2005 made to the first respondent remain unattended to cannot be given much importance especially the question raised is one of title. In this background, it would be better if the petitioners agitate for their rights in common law court by filing civil suit for declaration of title. In this Writ Petition no relief can be granted.

The Writ Petition with the above observations is accordingly dismissed.

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(V.V.S.RAO, J)

28.12.2005

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